

S. No.111

2024:PHHC:012112

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRR No.1414 of 2021 (O&M)

Date of Decision:30.01.2024

Parveen Kumar

.....Petitioner

Vs.

Anil Kumar and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sanpreet Sandhu, Advocate for the petitioner.

Mr. Munish Mittal, Advocate for respondent No.1.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J. (Oral)

Learned counsel for the petitioner has produced demand draft No.105689 dated 29.01.2024 for an amount of ₹4 lakhs favouring the respondent-complainant – Anil Kumar drawn on Punjab National Bank, Indri (Karnal), Haryana. Original demand draft has been handed over to Shri Munish Mittal, learned counsel for respondent No.1 whereas copy thereof has been retained on this file.

Learned counsel for respondent- complainant has made a statement that as per the instructions available with him, complainant does not possess any other cheque belonging to the petitioner, particularly cheque Nos.333257 and 333259. He also submits that entire amount as per settlement has been received by respondent- complainant.

Petitioner was convicted in Criminal Complaint No.269 of 2015 titled “Anil Kumar Vs. Parveen Kumar”, under Section 138 of the Negotiable Instruments Act (for short, ‘the NI Act’) vide judgment dated 03.06.2017 passed

by learned Judicial Magistrate Ist Class, Indri and was sentenced to undergo imprisonment for a period of one and half year and to pay compensation to the tune of ₹5,10,750/-. Appeal filed against the said conviction and sentence was dismissed by learned Additional Sessions Judge, Karnal on 28.10.2021.

Against the afore-said concurrent finding of conviction, the present revision was filed.

The matter has since been compromised between the parties. The entire settlement money, as agreed between the parties, has been paid by the petitioner – accused to the complainant – respondent.

Offence under Section 138 of the NI Act is compoundable. Permission to compound the offence can be granted at any stage. Since the entire settlement money has been paid, so, necessary permission is granted. The impugned judgment of conviction dated 03.06.2017 and order of sentence dated 05.06.2017 passed by learned JMIC, Ist Class, Karnal, as affirmed by judgment dated 28.10.2021 of Appellate Court, are hereby set aside. Petitioner is hereby acquitted within the meaning of Section 320(8) Cr.P.C.

Disposed of.

January 30, 2024

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Whether Speaking/reasoned

Whether Reportable

(DEEPAK GUPTA)

JUDGE

Yes/No

Yes/No